

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:93-CR-123-03-F

UNITED STATES OF AMERICA

v.

JOHN LEE BOYD, JR.,
Defendant.

)
)
)
)
)
)

O R D E R

The defendant, John Lee Boyd, Jr., again is before the court, this time with document entitled, “Amendment Pursuant to F.R. Civ. P. Rule 15(c) of Movant’s Rule 9(b) Successive Motion Pursuant to Rules Governing Proceedings Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct a Sentence By a Prisoner in Federal Custody.” *See* [DE-133]. Boyd, who was sentenced just over 19 years ago, wishes to raise an ineffective assistance of counsel claim alleging that his trial lawyer failed, despite being directed, to file a notice of appeal or to explain to him that he had waived his appeal rights.


Boyd’s most recent motion for relief from his sentence, regardless of its title, constitutes another successive request to vacate his sentence. Indeed, there is no pending motion to “amend.” Boyd again has failed to demonstrate that he has obtained authorization from the Fourth Circuit Court of Appeals to bring another successive § 2255 motion, as is required under 28 U.S.C. § 2244. Prior to the instant motion, the most recent docket entry in this case is the Fourth Circuit’s Order denying Boyd’s last effort to file a successive § 2255 motion. *See* [DE-123].

This court lacks jurisdiction to consider Boyd’s motion for relief from his sentence. Accordingly, his motion is DENIED without prejudice for him to seek authorization

from the Fourth Circuit Court of Appeals. The court finds no ground for a certificate of appealability, and such certificate is DENIED.

SO ORDERED.

This, the 4th day of May, 2012.



JAMES C. FOX
Senior United States District Judge